HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.No.384/2006

CORAM: Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellants / Non-Applicants :
1. Sub-Divisional Officer, Water Management Sub-Division No.4, Raipur, Distt. Raipur (CG)
2. Chief Engineer, Irrigation Department, Government of Chhattisgarh, Raipur, Distt. Raipur.
3. Collector, Distt. Raipur.

Versus

Respondents :
1. Abbas Khan, S/o Jabba Khan, Musalman, R/o Taj Chowk, Telibandha, Raipur, Distt. Raipur, Present address Through Sub-Divisional Officer, Water Management Sub-Division No.4, Raipur, Distt. Raipur (CG) (N.A.No.1)
2. Rekhni Bai, Wd/o Tekuram Dhruv, aged about 30 years.
3. Ku. Chuneshwari Bai, D/o Tekuram Dhruv, Aged about 9 years.
4. Ku. Tanuja Bai, D/o Tekuram Dhruv, aged about 7 years.
5. Ku. Jeetu, D/o Tekuram Dhruv, aged about 3 years.
6. Devraj Dhruv, S/o Tekuram Dhruv.

(Sl.No.3 to 6 through Guardian Mother Rekhni Bai, Permanent Address: Village-Jhiriya, P.O. Kamta, Distt. Raipur Presently residing at Arang, P.O. Arang, Distt. Raipur (CG) (CLAIMANTS)

Shri Vinay Harit, Dy. Advocate General for the State.

ORAL ORDER

(Passed on 3.4.2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

In this appeal, the only contention raised by the owners of the motor vehicle is that their vehicle was not involved in the accident and therefore, the M.A.C.T. is not justified in fastening the liability to pay compensation to the dependents of the deceased on them. Such a plea was taken before the M.A.C.T. in the pleading filed by the appellants herein. In that view of the matter, the M.A.C.T. has framed the following issue for trial.

> 'क्या दिनांक 31.05.2003 को रात्रि 9.00 बजे अनावेदक क.–1 ने डम्पर क. सी. जी. 02 हां 1631 से बैलगाडी को ठोकर मारा ?'

2. The above issue is answered in favour of the claimants and against the appellants herein having taken into consideration the oral testimony of the widow of the wife of the deceased and the documents filed in the criminal case. Therefore, it cannot be said that the above finding recorded by the M.A.C.T. is perverse for want of legal evidence. No other point was urged before us.

3. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge